

REMARKS

Claims 1-4, 7-13 and 16-34 are now pending, with claims 1 and 3 being the independent claims. Claims 5, 6, 14 and 15 have been cancelled. Independent claim 1 has been amended to incorporate the subject matter of dependent claims 5 and 6. Independent claim 3 has been amended to incorporate the subject matter of dependent claims 14 and 15. The amendments to dependent claims 2, 4, 7-9, 11, 12, 16-18, 20-24, 27-30 and 32 are to correct minor claims wording and to clarify the wording of the claims.

Additional support for the amendments to independent claims 1 and 3 may be found, for example, in Fig. 1 and page 11 of the specification as originally filed.

No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

The Examiner objected to the Abstract of the Disclosure for failing to include features of the claimed invention. In response, Applicant has amended the Abstract to address this objection in a self-explanatory manner. Withdrawal of the objection to the Abstract is therefore in order.

Claims 1-5, 8, 11, 14, 21-24 and 29-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,295,292 (“*Voit*”). Claims 6-7, 9, 12 and 15-16 stand rejected under 35 U.S.C. §103(a) as obvious over *Voit* in view of U.S. Patent No. 6,665,395 (“*Busey*”). Claims 10, 13, 17, 18, 20, 25, 26 and 28 stand rejected under 35 §103(a) as obvious over U.S. Patent No. 6,868,154 (“*Stuart*”). Claims 19 and 27 stand rejected under 35 U.S.C. §103(a) as obvious over *Voit* and *Stuart*, and further in view of *Busey*. Claims 33 and 34 stand rejected under 35 U.S.C. §103(a) as obvious over *Voit*. For the reasons which follow, it is respectfully submitted that all claims of the present application are patentable over the cited references.

Voit discloses a communication system for providing telephony communication across combined circuit switched and packet switched networks using an inbound gateway authorization processing scheme (see Abstract). According to this scheme, in order to establish a communication path from a calling terminal connected to a circuit switched network, an authentication database is accessed to authenticate the originating circuit-switched carrier and the originating call, and then an authorization database is consulted if the operating entities along the transmission path will authorize such transmission (see Abstract and independent claims of *Voit*). If authorized, charges for the transmission by the operating carrier entities are recorded and allocated to such entities.

Voit, however, fails to teach or suggest a central controller configured to route data transmission to at least one of a plurality of network service providers, generate performance information associated with the data transmission based on the monitored data transmission, and report the performance information to a third party, wherein the performance information includes at least one of a time necessary for the identified network service provider to connect to the terminating party, how long the terminating party took to answer a call, whether an interactive voice response unit was utilized, whether the originating party exchanged dual-tone multi-frequency, how long the call was on hold, whether the call was dropped and who was responsible for terminating or dropping the connection to the terminating party, as recited in amended independent claims 1 and 3.

In view of the foregoing, Applicant respectfully asserts that amended independent claims 1 and 3 are patentable over *Voit* and, therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e) are respectfully requested.

The Examiner also rejected claims 6-7, 9, 12, and 15-16 under 35 U.S.C. §103(a) as obvious over *Voit* in view of *Busey*. In particular, the Examiner asserted that *Busey* teaches the performance information claimed in dependent claims 6 and 15 (now canceled). According to the Examiner, the skilled person, motivated by the desire to provide more detailed information on how well customers are being serviced, would combine the teachings of *Busey* with the circuit-switched network to packet-switched network of *Voit* to thereby achieve the recitations of now amended independent claims 1 and 3. Applicant respectfully disagrees, because the Examiner's conclusion constitutes an impermissible hindsight reconstruction.

Busey teaches an automatic call center for communication (e.g., chat, email, voicemail, VoIP, traditional telephone, web page, digital image, and digital video) between retail customers and customer service agents and for monitoring the performance of the customer service agents (see Abstract and col. 3, lines 12-15). The system disclosed in *Busey* includes a network interface for transferring information between customers and agents and a control system for simultaneously assigning a plurality of customers to a single agent based on certain criteria (see Claim 1 of *Busey*). In addition, *Busey* teaches that the system may compute statistics relating to a customer session or task (see Abstract, lines 19-21). However, *Busey* fails to teach or suggest how a central controller that is configured to route data transmission to at least one of a plurality of network service providers, identifies a network service provider associated with the terminating party to enable routing of the data transmission and generates performance information associated with the data transmission based on the monitored data transmission, as recited in amended independent claims 1 and 3. Moreover, *Busey* fails to teach or suggest exactly how the skilled person would adapt the automatic call center of *Busey* for handling communication between retail customers and customer service agents to a carrier-to-carrier

system for providing performance information on data transmission between the carrier networks. In fact, Applicant's claimed carrier network technology for transmitting data among carriers is vastly different from that of the automatic call distribution center of *Busey* for answering calls from customers and, thus, the skilled person would have no reason to combine these technologies even assuming, *arguendo*, that *Busey*'s call center technology is combinable with that of *Voit*. Accordingly, amended independent claims 1 and 3 are patentable over the combination of *Voit* and *Busey*, and, therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

Stuart has been cited based on the failure of *Voit* and *Busey* to teach or suggest the features of dependent claims 10, 13, 17-18, 20, 25-26. However, the combination of *Voit*, *Busey* and *Stuart* fails to achieve independent claims 1 and 3, from which dependent claims 10, 13, 17-18, 20, 25-26 variously depend.

Stuart discloses a system for providing a customer feedback measurement system (CFMS). *Stuart* (col. 6, lines 52-60 and claim 1) teaches that the CFMS routes a communication from a customer through a telephone switch to an agent of a service provider at a call handling agent station. *Stuart* additionally teaches that the CFMS monitors an exchange of information between the customer and the agent and triggers an action if the customer response meets a predetermined condition relating to the service provided by the service provider. However, *Stuart* fails to teach or suggest the inter-carrier telecommunication system as recited in amended independent claims 1 and 3. Amended independent claims 1 and 3 are therefore patentable over the combination of the cited art, because *Stuart* fails provide what *Voit* and *Busey* lack. Reconsideration and withdrawal of all the rejection under 35 U.S.C. §103(a) are therefore respectfully requested.

In view of the patentability of amended independent claims 1 and 3, for the reasons set forth above, dependent claims 2, 4, 7-13, and 16-34 are all patentable over the cited prior art.

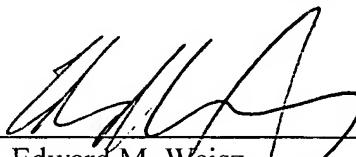
Applicant respectfully submits that all pending claims are patentably distinguishable over the cited references. Reconsideration of the amended claims is requested.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By



Edward M. Weisz
Reg. No. 37,257
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: January 8, 2008